

REC'D 16 NOV 2004

WIPO

PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PPF03-0466	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/KR2003/001033	International filing date (day/month/year) 27 MAY 2003 (27.05.2003)	Priority date (day/month/year) 11 JUNE 2002 (11.06.2002)
International Patent Classification (IPC) or national classification and IPC IPC7 B65D 17/34		
Applicant MAEIL DAIRY INDUSTRY CO., LTD. et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☒ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 10 DECEMBER 2003 (10.12.2003)	Date of completion of this report 30 OCTOBER 2004 (30.10.2004)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer CHOI, Ki Hyuk Telephone No. 82-42-481-5894 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/001033

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed☐ the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the claims:

pages _____, as originally filed
pages _____, as amended (together with any statement) under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the drawings:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheet _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2003/001033

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 3	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1 - 3	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1 - 3	YES
	Claims	NONE	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purpose of this report:

D1: JP 61-048128 U

D2: KR 2000-017742 A

D3: US 6,105,806

1. Novelty

The characteristic part of claim 1 is a protrusion protruding upward from a can lid in front of a can opening during the manufacturing of the can lid, in which it is a collapsing protrusion where the protrusion elastically deforms into the can main body by depressing motion of the user and thereby enable forming of a concave section for easy insertion of the user's finger.

D1 discloses a concave section (3) in front of a can opening (4) for easy insertion of a user's finger. However, said concave section (3) of D1 is not deformed elastically but keeps its original concave shape.

D2 discloses an elastically deformable protrusion (33) which is a part of an opener (30). Pressing said protrusion (33) downwardly changes the shape of the opener (30) from a convex shape into a concave shape, thereby resulting in easy insertion of a user's finger.

D3 discloses a picture, a trademark, an icon, a character, a symbolic item or a logo that decorates a pull tab. Said decoration is equivalent to the typography of claim 3 of the present invention.

(Continued on Supplemental Sheet.)

INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2003/001033

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
KR 20-2002-0004624	13/07/2002	15/02/2002	15/02/2002

2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/001033

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of:

Box V.

The prior art documents D1-D3 do not disclose an elastically deformable protrusion as a part of a can lid, that is, an equivalent to the collapsing protrusion of claim 1. Claims 2 and 3 are dependent on claim 1. Therefore, claims 1-3 satisfy PCT Article 33(2) in respect of novelty.

2. Inventive Step

The invention of claim 1 has the effects for the tab being hardly damaged from a contact with other can lids because the original shape of the collapsing protrusion is not a concave shape and consequently the gap of the handle of the tab is narrow, and for the tab being easily made because the collapsing protrusion is a part of a can lid.

The prior art documents D1-D3 do not suggest said unique effects of the present invention. Therefore, claims 1-3 satisfy PCT Article 33(3) in respect of inventive step.

3. Industrial Applicability

The inventions of claims 1-3 relate to a can of which the lid can be partially or fully opened with ease. Therefore, claims 1-3 possess industrial applicability according to PCT Article 33(4).